

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 25-32 and 34-48 are currently pending. Claim 33 has been canceled without prejudice or disclaimer; and Claims 25-27, 32, 34, 35, 38, 39, 43, 44, 46, and 48 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.¹

In the outstanding Office Action, Claims 25-28 and 32-48 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,911,779 to Lenhardt (hereinafter “the ‘779 patent”); and Claims 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘779 patent in view of the asserted “Applicants’ admission.”

Initially, it is noted that the specification has been amended to include section headings based on the guidelines for drafting a non-provisional patent application noted in M.P.E.P. § 601.

REJECTION UNDER 35 U.S.C. § 102

Amended Claim 25 is directed to

[a] tool holder device for supporting at least one tool configured to collaborate with an edge of at least one substrate, the device comprising:

 a rotary support configured to receive the at least one tool, and to move translationally along a vertical beam and rotationally relative to the at least one substrate;

 the vertical beam provided with the rotary support and with a linear guidance element extending at least partially over a height of the vertical beam, the linear guidance element being configured to prevent the rotary support from rotating when the rotary support is moved translationally, wherein

¹ See, e.g., Figure 1 and the discussion related thereto in the originally filed specification.

the at least one substrate is moved translationally relative to the at least one tool supported by the rotary support, as the at least one tool is operating in a predetermined position, and

collaboration between the at least one tool and the at least one substrate occurs with or without contact relative to an edge face of the at least one substrate.

Claim 25 has been amended to incorporate features related to the features recited in previously presented Claims 32 and 33. Accordingly, Applicants will address the rejection of Claims 32 and 33 as being anticipated by the ‘779 patent.

The ‘779 patent is directed to an apparatus for a slipless conveyance of two plates. In particular, the Office Action appears to cite the ‘779 mechanism for driving, guiding, and operating a nozzle 36 for teaching a rotary support and linear guidance element; and the ‘779 vertical orientation for conveying plates for teaching a vertical beam.²

However, it is respectfully submitted that the ‘779 patent fails to disclose a tool holder device for supporting at least one tool configured to collaborate with an edge of at least one substrate. Rather, the ‘779 patent simply discusses that a nozzle 36 discharges **between the glass plates 31 and 32** an extrusion consisting of an initially pastelike composition.³ The ‘779 patent does not disclose that the nozzle 36 is configured to **collaborate with an edge** of the glass plates 31 and 32.

Further, it is respectfully submitted that the ‘779 patent fails to disclose a rotary support configured to receive the at least one tool, and to move translationally along a vertical beam and rotationally relative to the at least one substrate; and the vertical beam provided with the rotary support and with a linear guidance element extending at least partially over a height of the vertical beam, the linear guidance element being configured to prevent the rotary support from rotating when the rotary support is moved translationally. Rather, the ‘779 patent simply discusses that the mechanism for driving, guiding, and operating the

² See Office Action dated March 6, 2009, page 3.

³ See ‘779 patent, column 17, lines 58-60; and column 18, lines 11-15, 28-31, and 39-47.

nozzle 36 is provided at the delivery end of a first section 2a of a sealing station. The '779 nozzle 36 is mounted on a carriage 34 and is movable up and down with said carriage along a path 35 in a space between the two sections 2a and 2b of the sealing station. The '779 patent discusses that the path 35 is at right angles to a direction of travel 5 and parallel to planes of travel 10 and 10a. Further, the '779 patent discusses that the nozzle 36 is mounted on the carriage 34 for a rotation in steps of 90° about an axis 37 which is at right angles to the planes of travel 10 and 10a.⁴

The '779 patent does not disclose that the carriage 34 is configured to ***move translationally along a vertical beam and rotationally relative to the at least one substrate.*** Further, the '779 patent does not disclose ***a vertical beam provided with a linear guidance element*** that is configured to ***prevent the carriage 34 from rotating when the carriage 34 is moved translationally.*** Accordingly, it is respectfully submitted that Claim 25 (and all associated dependent claims) patentably defines over the '779 patent.

REJECTION UNDER 35 U.S.C. § 103

Regarding the rejection of Claims 29-31 under 35 U.S.C. § 103(a), it is respectfully submitted that the asserted “Applicants’ admission” fails to remedy the deficiencies of the '779 patent, as discussed above. Accordingly, it is respectfully submitted that Claims 29-31 patentably define over any proper combination of the '779 patent and the asserted “Applicants’ admission.”

CONCLUSION

⁴ See '779 patent, column 16, lines 53-63.

Thus, it is respectfully submitted that independent Claim 25 (and all associated dependent claims) patentably defines over any proper combination of the '779 patent and the asserted "Applicants' admission."

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. A favorable action to that effect is respectfully requested.

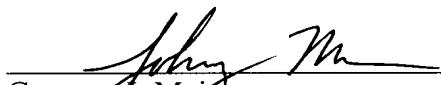
Respectfully submitted,

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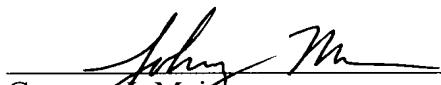
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